

Derek W. Loeser (admitted *pro hac vice*)  
KELLER ROHRBACK L.L.P.  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
Tel.: (206) 623-1900  
Fax: (206) 623-3384  
dloeser@kellerrohrback.com

Orin Snyder (admitted *pro hac vice*)  
GIBSON, DUNN & CRUTCHER LLP  
200 Park Avenue  
New York, NY 10166-0193  
Tel.: 212.351.4000  
Fax: 212.351.4035  
osnyder@gibsondunn.com

Lesley E. Weaver (SBN 191305)  
BLEICHMAR FONTI & AULD LLP  
555 12th Street, Suite 1600  
Oakland, CA 94607  
Tel.: (415) 445-4003  
Fax: (415) 445-4020  
lweaver@bfalaw.com

Deborah Stein (SBN 224570)  
GIBSON, DUNN & CRUTCHER LLP  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Tel.: 213.229.7000  
Fax: 213.229.7520  
dstein@gibsondunn.com

*Plaintiffs' Co-Lead Counsel*  
*Additional counsel listed on signature page*

*Attorneys for Defendant Facebook, Inc.*  
*Additional counsel listed on signature page*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: FACEBOOK, INC. CONSUMER  
PRIVACY USER PROFILE LITIGATION

MDL No. 2843  
Case No. 18-md-02843-VC-JSC

This document relates to:

ALL ACTIONS

**STIPULATION AND [PROPOSED]  
ORDER ON RESOLVING SEARCH  
STRING DISPUTES FOR CUSTODIANS  
IN GROUPS 5 TO 8**

**THE PARTIES STIPULATE AND AGREE AS FOLLOWS:**

1. The parties previously stipulated to a process for negotiating search strings for the custodians in Groups 5 to 8, including for resolving disputes between the parties’ “final proposals.” *See* Dkt. 573.

2. Pursuant to this process, the parties submitted their “final” search string proposals on January 8, 2021. There are currently 49 disputed strings and/or custodian groupings between the two proposals. Plaintiffs’ January 8 proposal hit on approximately 3.31 million documents with families, excluding documents that hit on the finalized search strings for the custodians in Groups 1 to 4. Facebook’s January 8 proposal hit on approximately 1.97 million documents with families, excluding documents that hit on the finalized search strings for the custodians in Groups 1 to 4.

3. For efficiency, and to preserve party and judicial resources, the parties agree to resolve remaining disputes as to the 49 disputed strings and/or custodian groupings through a negotiated compromise, intended to approximate the mid-way point between the parties’ final proposals, as follows:

4. Within seven (7) days of the date this stipulation is entered, Plaintiffs will send Facebook a revised version of their January 8 “final proposal.” Plaintiffs’ revised proposal will not revise any specific strings or custodian groupings from their January 8 proposal. Instead, for each disputed string, Plaintiffs will: (a) continue to propose their January 8 proposal for that string, (b) accept Facebook’s January 8 proposal for that string, or (c) drop the string.

5. Within five (5) days of receiving Plaintiffs’ revised final proposal, Facebook will send Plaintiffs the total deduplicated hit counts on Plaintiffs’ revised proposal, with families, excluding documents that hit on the finalized search strings for the custodians in Groups 1 to 4. These are the only hit counts Facebook will generate with respect to Plaintiffs’ revised final proposal(s). If the document hits with families for Plaintiffs’ revised proposal is between 2.59 million and 2.69 million documents, Facebook will accept the proposal in full.

6. If the document hits with families for Plaintiffs' revised proposal is not between 2.59 million and 2.69 million documents, the parties will repeat the process outlined in Paragraphs 4 and 5, under the same timing requirements. If the document hits with families for Plaintiffs' second revised proposal is between 2.59 million and 2.69 million documents, Facebook will accept the proposal in full.

7. If the document hits with families for Plaintiffs' second revised proposal is not between 2.59 million and 2.69 million documents, the parties will meet and confer for no more than five (5) business days to discuss additional revisions to the proposal. Thereafter, the parties will repeat the process outlined in Paragraphs 4 and 5, under the same timing requirements. If the document hits with families for Plaintiffs' third revised proposal is between 2.59 million and 2.69 million documents, Facebook will accept the proposal in full.

8. If the document hits with families for Plaintiffs' third revised proposal is not between 2.59 million and 2.69 million documents, Facebook will then revise the proposal within seven (7) days. If the document hits with families for Facebook's revised proposal is between 2.59 million and 2.69 million documents, Plaintiffs' will accept the proposal in full.

9. Once a proposal has been accepted in full, Facebook will provide Plaintiffs the total deduplicated number of document hits and document hits plus families for all of the accepted search strings for Groups 5 to 8. Facebook will also provide Plaintiffs with a list of the finalized search strings (as run, including subparts) and custodians for Groups 5 to 8.

10. The parties agree to this process solely as a compromise for purposes of efficiency and to preserve judicial and party resources. Accordingly, the parties expressly reserve all objections to the disputed strings, custodian groupings, and document hit counts, and accepting or dropping strings through this process shall not be construed as a concession on any string or custodian's relevance, appropriateness, or necessity. The hit count range agreed upon in this agreement is a compromise intended only to approximate the mid-way point between the parties' January 8 final proposals and may not be construed as a concession by any party that the

range reflects an appropriate, reasonable, or proportionate number of document hits or a concession relating to the relevancy of any documents yielded by any terms.

11. This process supplements the requirements in the parties' prior stipulation, *see* Dkt. 573. To the extent that any provisions of this stipulation conflict with the parties' prior stipulation, this stipulation shall control.

**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

Dated: March 31, 2021

Respectfully submitted,

KELLER ROHRBACK L.L.P.

BLEICHMAR FONTI & AULD LLP

By: /s/ Derek W. Loeser  
Derek W. Loeser

By: /s/ Lesley E. Weaver  
Lesley E. Weaver

Derek W. Loeser (admitted *pro hac vice*)  
Cari Campen Laufenberg (admitted *pro hac vice*)  
David Ko (admitted *pro hac vice*)  
Adele A. Daniel (admitted *pro hac vice*)  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
Tel.: (206) 623-1900  
Fax: (206) 623-3384  
dloeser@kellerrohrback.com  
lsarko@kellerrohrback.com  
gcappio@kellerrohrback.com  
claufenberg@kellerrohrback.com  
dko@kellerrohrback.com  
adaniel@kellerrohrback.com

Lesley E. Weaver (SBN 191305)  
Anne K. Davis (SBN 267909)  
Matthew P. Montgomery (SBN 180196)  
Angelica M. Ornelas (SBN 285929)  
Joshua D. Samra (SBN 313050)  
555 12th Street, Suite 1600  
Oakland, CA 94607  
Tel.: (415) 445-4003  
Fax: (415) 445-4020  
lweaver@bfalaw.com  
adavis@bfalaw.com  
mmontgomery@bfalaw.com  
aornelas@bfalaw.com  
jsamra@bfalaw.com

Christopher Springer (SBN 291180)  
801 Garden Street, Suite 301  
Santa Barbara, CA 93101  
Tel.: (805) 456-1496  
Fax: (805) 456-1497  
cspringer@kellerrohrback.com

*Plaintiffs' Co-Lead Counsel*

GIBSON, DUNN, & CRUTCHER LLP

By: /s/ Orin Snyder

Orin Snyder

Orin Snyder (pro hac vice)

osnyder@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue

New York, NY 10166-0193

Telephone: 212.351.4000

Facsimile: 212.351.4035

Deborah Stein (SBN 224570)

dstein@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP

333 South Grand Avenue

Los Angeles, CA 90071-3197

Telephone: 213.229.7000

Facsimile: 213.229.7520

Joshua S. Lipshutz (SBN 242557)

jlipshutz@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Avenue, N.W.

Washington, DC 20036-5306

Telephone: 202.955.8500

Facsimile: 202.467.0539

Kristin A. Linsley (SBN 154148)

klinsley@gibsondunn.com

Martie Kutscher (SBN 302650)

mkutscherclark@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP

555 Mission Street, Suite 3000

San Francisco, CA 94105-0921

Telephone: 415.393.8200

Facsimile: 415.393.8306

*Attorneys for Defendant Facebook, Inc.*

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

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HON. JACQUELINE SCOTT CORLEY  
UNITED STATES MAGISTRATE JUDGE

**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

I, Orin Snyder, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 31st day of March, 2021.

/s/ Orin Snyder

Orin Snyder